The Politics of the Evolution of Justice as Traced by Aeschylus in His Orestian Trilogy

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The Introduction

The purpose of this paper is to examine how Aeschylus, the first classical dramatist recognized in the Western world, had dealt with the theme of the evolution of justice in his Trilogy. The trilogy consists of three successive plays, connected to each other by the common themes they shared, the characters as well as the story with its time sequence. The three plays which also could be appreciated as individual plays are (a) **Agamemnon** (b) **The Choephori** and (c) **The Eumenides.**

The intention of the study is to discuss how Aeschylus, by taking a popular story of the royalty, had put on stage these three plays involving the various stages connected with the evolution of justice. The law he deals with is the law of homicide. What he discusses is how each stage in society dealt with the problem of man killing man. Starting from the very first stage of revenge, he traces the development to the state where the society takes on the responsibility of punishing the criminal. The condition where a crime against an individual is considered a crime committed against the society itself.

Justice

'What is Justice?' 'What is the relation of justice to vengeance? Can justice be reconciled with the demands of religion? Or the violent forces of human emotion? Of Destiny? The questions would have been a main problem for the contemporaries of Aeschylus as the religion at the time 'spoke with a divided voice'. The old and the new religion were mingled together at the period. Aeschylus in his Oresteian Trilogy examines three modes of divine justice. They are (1) The old form of Justice connected with the old religion in which the origin probably lies with the worship of the dead and concerned with the Chthonian gods. (2) The Oracle of Apollo - the transition stage where purification is practiced. (3) The New form of Justice - the justice of Athene, expressed in the authority of an established court of law.

Therefore, as George Thomson, (Thomson G., 1973, p. 69) comments, when we read the Trilogy we are in fact reading the growth of law through the successive stages of social evolution.

The politics

It is the general belief that the Trilogy was written and staged by Aeschylus in order to impress the importance of the Areopagus as a court of law .The mythical origin and the role of the gods in establishing it's function is highlighted by the poet.The Areopagus meant the hill of Ares.It is a limestone hill situated between the Acropolis and the Agora in Athens. Pagos meant a big piece of rock.Areos , Ares or Erinyes. At the foot of the hill was erected a temple dedicated to the Erinyes .In it murders used to find shelter to avoid consequences of their actions.

Before the Classical period (5th cen B.C)Areopagus had been The Council Of Elders of the city.It is believed that the council met on the hill and thereby obtained the name of the hill for itself. It's members were restricted to those who held high public office. This was also a judicial body of Aristocratic origin. It's power was enhanced by Solon as the higher court of Greece.

The reforms of Ephiltes deprived the Areopagus of almost all of it's functions except that of a murder tribunal.

The Trilogy

The Oresteian Triology is written about the house of Atreus. Pelops and Thyestes are the sons on Pelops. Thyestes commits adultery with the wife of Pelops. Pelops as a revenge invites Thyestes to a banquet, kills his sons and makes him partake of their cooked flesh. According to the ancient Greeks the sins he commits are as follows:

1. Shedding of kindred blood
2. Treachery to a guest.

The result is, a curse of the worst sort falls on the house. Atreus was king. Thyestes had no power. The atrocious crime was not avenged in Atreus' life time, but his children and his children's children suffered. (Hamilton.E. 1969, p. 239)

Inheriting the family curse, the son of Pelops, Agamemnon is faced with choosing between sacrificing his own daughter or not going to war. He chooses war. Circumstances compel him to do so. As a result of this decision Clytemnestra, his wife, in vengeance kills Agamemnon. Therefore, Orestes, their only son is bound by immemorial tradition to exact vengeance for his murdered father from his own mother. The killer had to be killed by the murdered person's 'nearest and the dearest.' He is bound to avenge the killing according to the old form of justice.

One sin leads to another. When a murder takes place within the family deeper problems are to be faced. When Orestes is compelled to take vengeance for the murder of his father, he is forced to kill his own mother. But when he does commit the deed, the furies are then set after him. Aeschylus examines in his Trilogy, how the bonds of human life and family are affected in carrying out this justice. Furthermore, how a single murder could trigger of a series of killings - one leading to another, when the responsibility of carrying out justice rests on a member of the family. 'The scale of Justice falls in equity; The killer will be killed.' (Aeschylus.145)

Manslaughter had not been a major crime which is to be punished by the community at large (Thomson.G. 1973, p.30). In the tribal society it had been common among men and it was settled by the clans which the individual members belonged to. The obligation of the wronged clan to kill the murderer was absolute and the nearest and the dearest was to carry out the punishment, irrespective of the circumstances of the case. But when the murderer is killed his clan is under obligation to kill again. Thus the killings may last for generations. (Aeschylus 145-60)

.....
Blood to drench another grave
From a different sacrifice
Hallowed by no festal joy-
Blood that builds a tower of hate,
Mad blood raging to destroy
Its self-source, a ruthless Fate-
Warring with the flesh of men;
Bloodshed bringing in its train
Kindred blood that flows again.
Anger still unreconciled

Poisoning a house's life
With darkness, treachery and life,
Wreaking vengeance for a murdered child.'

When a fellow clansmen is the murderer he is driven out of the clan and it is said that the curses of his relatives follow him till ultimately he is led to ruin. -The avenging spirits or the Erinyes (The Furies) driving him mad and sucking his blood. The tribal society was a matriarchal one. The descendents of the clan is traced through women. It is this tribal society that is represented by the Moirai. The Erinyes were the ancestral spirits of the community. The moirai is connected with justice but the punishment is carried out by the agency of the Erinyes. In **The Choephori**, the second play in the trilogy of Aeschylus Orestes is led to say in horror-

'Ah, ah!
Look, women, see them, there! Like Gorgons
with grey cloaks,
And snakes coiled swarming round their
bodies! Let me go!
.....
.....
'I know them - avenging hounds incensed by a
mother's blood
(Aeschylus (6) 137-)

"I know you do not see these beings; but I see them.
I am lashed and driven! I can't bear it! I must escape."
(Aeschylus (b) lines 1060)

In **The Eumenides**, the third play of the trilogy the priestess of Delphi describes the Furies in this manner.' **(Aeschylus (c) lines 46 ff.)**

'.....
stretched upon benches, sleeping, a strange company
Of women-no not women; Gorgons - yet, again,
They are not like Gorgans. Harpies I saw painted once,
Monsters robbing king Phineus of his feast; but these,
Are wingless, black, utterly loathsome; their vile breath
Vents in repulsive snoring; from their eyes distils
A filthy rheum; their garb is wickedness to wear

In sight of the god's statues or in human homes.
They are creatures of no race I ever saw; no land
Could breed them and not bear the curse of God and man.

Peter - D. Arnott (**Arnott. P.D. 1982, p. 63**) commenting on the visual effect created by the entrance of the Furies in **The Eumanides** says '.. the solemn procession with such devastating effect, that the audience was terrified and women gave birth at the sudden shock - so runs tradition.'

Pre Olympian religion equates justice with vengeance. The function of the Furies was to punish the major sins that are considered as the basis of human society. It is this form of justice which is carried out during the beginning of the Trilogy.

Aeschylus clearly points out the results of such an order and the disastrous effects of it on the bonds of human relationship.

Orestes - 'The word of Apollo is of great power and cannot fail
His voice, urgent, insistent, drives me to dare this peril,
Chilling my heart's hot blood with recital of threatened terrors,
If I should fail to exact fit vengeance, like for like
From those who killed my father. This was the god's command!
'Shed blood for blood, your face set like a flint,
The price they owe no wealth can weigh'.
(Aeschylus (b) 260)

Chorus:
Courage! The gods ordain
that blood by murder shed
Cries from the ground for blood to flow a gain
the furies, sent by anger of the dead,
Howl for destruction, pain on pain,
ruin to bring fresh ruin in its train.
(Aeschylus (b) lines 400)

Though justice is on his side Orestes, the son recognizes the terrible deed he is about to do.

Clytemnestra -
'My own child, sea this breast.
Here often your head lay in sleep, while your soft mouth
sucked from me the good milk that gave you life and strength.'

Orestes - Pylades, what shall I do? To kill a mother is terrible. shall I show mercy?

(Aeschylus (b) lines 895)

Clytemnestra:- Are you resolved, my son, to murder your own mother?
Orestes:- It will be your own hand that strikes you dead, not mine.
Clytemnestra:- Beware the hounding Furies of a mother's curse.
Orestes:- How shall I escape my father's curse if I relent? The wind of Fate blows straight from my father's death to yours.'

(Aeschylus (b) lines 920)

The so called agents of justice are also not capable of dealing with special cases as they do not probe into the motives but judge only by the deed committed. As example, although Orestes is pure in motive he is sought out by the Furies. But this applies only to the blood relations. When a wife kills a husband, shattering the sacred bonds of marriage, the furies are not concerned.

Furies: We hound matricides to exile.
Orestes: When wife kills husband what of her?
Furies: They are not kin; therefore such blood is not self spilt.'

(Aeschylus: (c) 603)

A.E. Haigh (**Haigh A.E. 1968, p. 114**) brings our attention to the 'Hereditary Curse', which is also a result of the old form of justice.

Clytemnestra:

You now speak more in wisdom,
Naming the thrice - gorged Fury
That hates and haunts our race.
Hers is the thirst of slaughter,
Still slaked with feud and vengeance,
Till, with each wrong requested,
A new thirst takes it's place.'
.....
.....
Dressed in my form, a phantom
Of vengeance, old and bitter.

On that obscene host, Atreus,
for his abhorrent deed
Has poured this blood in payment
That here on Justice' altar
A man for babes should bleed.

(Aeschylus (a) 1490)

The punishment falls not only on the criminal but also on the whole house. - On innocent victims such as children and drives them in to fresh acts of evil. As for example Agamemnon sacrificing his child instead of abandoning the war. One crime begets another, until the history of the race becomes a long record of evil and disastrous deeds. Orestes - 'O the curse of our house! Spirit of murder! Discordant strokes, and blood unnatural'.

(Aeschylus (b) lines 460)

In the transition stage Apollo who speaks through his oracle at Delphi orders Orestes to take blood for blood and offers to purify the avenger by ritual cleansing to avoid further murders. Explaining this stage in justice Thomson (**Thomson G. 1973, p. 69**) points out that manslaughter is treated under the aristocracy as a crime punishable by excommunication. The adoption of the outcast explains a feature of the aristocratic law of homicide. The killer is excommunicated but could be readmitted to the community by being purified. Apollo not only commands Orestes but also threatens him in order to make him take vengeance and thereby makes him commit an offence against the tenderest of all natural affections.

Apollo's code in this instance proves barbaric. Orestes in purifying the house by killing the two murders takes it's pollution on himself.

Orestes-

The word of Apollo is of great power and cannot fail.
His voice, urgent, insistent, drives me to dare this peril,
Chilling my heart's hot blood with recital of threatened terrors,
If I should fail to exact fit vengeance, like for like'.

(Aeschylus (b) lines 260)

Of Apollo's Oracle Orestes fears. He expresses his feelings in the following manner.

'But when, he said,
A father's blood lies unavenged, and time grows ripe,
The neglectful son sees yet more fearful visitations.
.....
.....
This was the oracle's words; his father's anger, unseen,
Bars him from every altar; no man may receive him.
(Aeschylus (b) lines 288)

Yet he asks himself before deciding. We also feel sorry for the dilemma he is faced with.

'May I put my trust in oracles like these? Or not?
Even if I cannot trust them, yet I must do this deed.
To this one end my will is urged by many motives:
The god's command, grief for my father; .....'
(Aeschylus (b) lines 292)

We feel sorry for Orestes because it is not in his nature to commit murder. Let alone kill his mother.

'I must transmute my nature, be viperous in heart and act!
The dream commands it! I am her destined murderer'.
(Aeschylus (b) line 550)

After the deed is done he voices his tortured soul in these words.
'Her deed, her punishment - the whole business tortures me!
A victory whose pollution makes my life abhorred.'
(Aeschylus (b) lines 1015)

Orestes:
'I am like a man
Driving a team of horses and not knowing where.
The gallop's going to end. My wits chafe at the rein
Under my weakened grip, and carry me off the course;
Terror begins to sing at my heart and set it dancing in anger.'
(Aeschylus (b) lines 1025)

It is Apollo who had forced him to kill. He had also been given a promise by the God.

'And for the spells that nerved me to this dreadful act,
I offer in full warrant, Apollo Loxias,
Who from his Pythian oracle revealed to me
That if I did this deed I should be clear of blame;
(Aeschylus (b) lines 1027)

This is the very reason for Orestes to seek refuge in the temple of Apollo, seeking purification.

'I will go as suppliant to Apollo's holy ground,
Where the temple of earth's centre the lamp gleams
With the immortal flame; and there take refuge, exiled
For the shedding of kindred blood.'
.....
'I go fourth from my native land an exiled wanderer'
(Aeschylus (b) lines 1034)

Chorus: Go quickly then where cleansing waits for you; Stretch out your hand to Apollo and he will free you from this torment.
(Aeschylus (b) lines 1058)

One fact that shines through the procedure and outcome is that, Apollo, who is worshiped as paternal proclaims the sanctity of marriage and predominance of the male.

'Keep a bold heart, Orestes!
When the moment comes to kill her,
Thunder your father's killing;
When she whimpers,' Child Orestes!'
Answer, 'I am my fathers!'
(Aeschylus (b) lines 820)

Although Apollo purifies Orestes, the furies, driven by the spirit of Clytemnestra are not prepared to let go of him. Thus conflict arises between the two modes of justice. (1)Erinyes - the rule of tribal society and (2)Apollo - practice of purification. As a result Aeschylus in the **Eumanides** presents the true justice of Athene.' This is expressed in the authority and wisdom of an established court of law, the Areopagus. In this court of law, Athena stands for the trial by jury and the rule of democracy. The Erinyes are the prosecution. And Orestes is the defendant.

Apollo is also the advocate of Orestes. (Aeschylus (c) 578) Apollo gives evidence and supports Orestes.)

Here Orestes is confronted with three questions. They are -

1. Did he do what he is accused of doing?
2. How?
3. Why?

Thus we see that the judges have to consider not only the act itself as in the old form of justice, but the circumstances and the motive as well.

Athene: 'You seek the form of justice more than to be just. In justice must not win the verdict by mere oaths.
Chorus: Then try him fairly, and give judgment on the facts.
(Aeschylus (c) lines 430)

The court takes in to account the 'weighty evidence,'
(Aeschylus (c) lines 445)

The motive -

'I killed my mother - I will not deny it - in just retribution for my father ..'
(Aeschylus (c) lines 467)

As well as the compulsive power -

'For this Apollo equally is answerable'.
(Aeschylus (c) lines 469)

Athena introduces the court of law that is to decide the crime of homicide.

'Then since decision falls to me, I will choose out
Jurors of homicide, for a perpetual court,
In whom I vest my judgment. Bring your evidence
Call witnesses, whose oaths shall strengthen justice' hand.
I'll pick my wisest citizens, and bring them here.
Sworn to give sentence with integrity and truth.
(Aeschylus (c) lines 480)

'..... let citizens
And jurors all in silence recognize this court which I ordain today in perpetuity.'
(Aeschylus (c) lines 571)

The idea of a court to decide on homicide has originated from the idea that 'we are all of one kin, so all homicide is a crime against the kin. And it is to be dealt with by the authorities.'

Athena is a mediator, peacemaker as well as a judge. Each side is allowed to argue the case and bring forth the evidence. Both have equal rights to prove their argument. And the divine power is vested in the jury which consists wise and experienced humans. Therefore the court of Areopagus could be taken as the symbol of the new order of justice. Many scholars have presented arguments on the content of the trilogy. Thomson argues that (a) the feud between Apollo and Moirai is treated by Aeschylus as a symbol of the conflict between tribal custom in respect to homicide and the recognizing of the law of homicide effected under the rule of the aristocracy. The conflict is presented not as the yeilding of one party to the other but as the reconciliation of the two. (**Thomson.G. 1973, p. 235**).

(b) As we follow the fortunes of Orestes, we are in effect watching the growth of law through successive stages of social evolution. The significance of the acquittal is not primarily moral but social. It provides answers to the questions which were prominent in our minds from the start.

   (a) What is Justice?
   (b) Is it the rule of the vendetta?
   (c) Is it the law of blood for blood?
   (d) Does it permit of absolution?
   (e) Does it lie in the act or in the motive?

(c) The trilogy signifies that the spirit of man had passed through suffering into true lasting joy. We are reminded of the new harmony in Olympus in virtue of which these changes on earth have been effected. Zeus and Moira are reconciled.

The introduction of the procession at the end of the trilogy shows that it had finally brought the story out of the darkness of antiquity into the brilliant light of the Athens of his day. -As if it is an invitation to the audience to carry on the drama from that point onwards.

(d) Apollo was the interpreter of Zeus according to the Olympian religious tradition. Therefore his testimony is considered as incontrovertible because it comes from Zeus. The Doctrine of Delphic infallibility had been familiar at Athens in the 5th cen. B.C., but restricted by more advanced democrats. Belived that it used to support an attitude to contemporary society which they regarded as reactionary. Therefore the spectators at the city Dionysia in which the drama festivals were held, addressing almost all the residents at the city saw the doctrine vindicated and at times challenged. Drama being the foremost form of mass communication at the period were used to voice opinions and influence the minds of the public.

(e) Athenians claimed that they were the first to establish laws. Of these laws, the laws relating to homicide had been the oldest and the best. And the conservative belief was that of all their legal institutions the court of Areopagus was the most venerable. It was the overseer of all things, and the guardian of laws. However under the democracy the court had been deprived of it's functions in cases of homicide. The trilogy had been staged by Aeschylus to oppose the move and remind the government of the value of the Areopagus in trials of homicide. According to the play, it had been of divine origin.

(f) According to comments made by Haigh (**Haigh A.E. 1968, p. 57**) Aeschylus had never looked with approval on the extreme type of democracy. The Areopagus which he holds up for admiration is not a mere court of justice but a deliberative assembly watching over general safety of the state. The institution is essential to the preservation of order. Though a friend of liberty, he was reluctant to entrust the citizens with absolute and unrestricted power. The democracy he desired had been a moderate kind. Though the people were accepted as ultimate masters administration should be carried out by a selected assembly. In such a combination he hoped to find safety from the 'despotism' of tyrants and oligarchies on one hand and from the 'anarchy' of unlimited popular control on the other.

(g) Haigh (**Haigh.A.E., 1968, p. 114**) also comments on the closing scene of the trilogy as the finest conceptions of Aeschylus; whether regarded from the moral or the theatrical point of view. That it typifies in the most beautiful manner the spiritual meaning of the play - the eventual supremacy of mercy over justice.

Thomson (**Thomson. G, 1973, p. 245**) also quotes the Pythagorean view that this trial could be related to the bonds of human relationship. That is, the universe rests on the supremacy of Mind over Necessity effected by Persuasion. When this is translated in to the language of mythology, they are Zeus, the Moiral and Athena.

(h) Arnott (**Arnott.P.D., 1982, p.65**) comments that the moral values are eternally fascinating. Agamemnon was forced to choose between public and private good. Clytemnestra sought vengeance for her child though it meant killing of her husband. Orestes is duty bound to avenge the father even at the cost of matricide.

(i) Krishna Chaitanya (**Chaitanya.K, 1965**) speaks of the story as moving among the great moral idea of sin, punishment and expiation. Punishment is the use of force. It is unavoidable in social life. But it will be legitimate if it is administered impersonally and justly, if the state can do this. There could be seen an affinity between the Greek concept of sin and punishment and the Indian doctrine of Karma. No deed can be exempt from consequences and motives are the most significant elements of the deed. Impure motivations can never help them to get out of the iron ring of Karma. The great trilogy thus transforms the old blind law of fate into the more rational concept of Karma. It luminously reinterprets the law of crime and punishment of vengeance in the light of reason and creates from it a more progressive social ideal. Of this of course one has to remember that in Karma the punishment falls only on the sinner. But in the Greek concept punishment falls on the descendants as well.

Dodds (**Dodds.E.R., 1951, p.33**) provides an explanation to this. The Greeks, according to him were not so unrealistic as to hide from themselves the plain fact that the wicked flourished. In the Archaic Age the mills of God ground so slowly that their movement was practically imperceptible save to the eyes of faith. In order to sustain the belief that they moved at all, it was necessary to get rid of the natural time limit set by death. If you look beyond that limit, there would be only two things.

(a) The successful sinner would be punished in his descendants
or
(b) He would pay his debts personally in another life.

On the other hand the suffering of the morally good was not overlooked. Family solidarity was at it's height. The family was a moral unit. The son's life was a prolongation of his father's, and he inherited his father's moral debts exactly as he inherited his commercial ones. Sooner or later the debt exacted it's own payment. On the other hand divine law, like early human law took no account of the motive and makes no allowance for human weaknesses.

(j) Bowra observes (**Bowra C.M. (b) 1957, p. 125**) that the Attic tragedians were deeply concerned with current problems. They saw them with a lofty detachment, but they none the less thought that what mattered for their own generation was the right material for tragedy. They transposed the disturbing problem and the passionate disputes of the Athenian democracy to the world of ancient myth and gave to them a distance and a dignity which made their issues clearer and set them above the confusions of ephemeral controversy. The theme was of first significance for Athens, the role of the state as the champion of justice. To replace the old form of justice by a system in which the state was an impartial arbiter was indeed a momentous reform. Aeschylus saw, it's far reaching significance and for that reason gave a prominent part to the gods.

Bowra in his 'Ancient Greek Literature' (**Bowra C.M., 1968, (a), p. 38**) says that Aeschylus essentially thought profoundly and originally about human destiny and his dramas were a mirror of his thoughts. But his thoughts concerned man and he saw man in the light of a great vision. So sharp was his sight, so human his judgment, that his creatures are never puppets. Caught in a cosmic plan, they remain living and individual. They even make their own destinies. They are free to choose and their choice decides their end. Aeschylus is a liberator, who resolved the discords of religion without undermining religion itself.

The thought expressed by Dodds (**Dodds E.R., 1951, p. 29**) provides an apt supplement to the above idea. The trilogy introduces us to a prominent characteristic feature of archaic religious thought.

The tendency to transform the supernatural in general and Zeus in particular, into agents of justice, broadly speaking, religion grows out of man's relationship to his total environment, and morals out of his relation

to his fellow men. But sooner or later in most cultures there comes a time of suffering and the result is that man projects into the cosmos his own nascent demand for social justice. And when from the outer space the magnified echo of his own voice returns to him, promising punishment for the guilty, he draws from it courage and re-assurance.

The above discussion proved at what levels of depth Aeschylus had dealt with the theme of the evolution of justice in his trilogy. In conclusion I propose to rest my analysis with a quote from Peter D. Arnott. (**Arnott.P.D., 1982, p.64**)

'A great play is like an onion. The further we penetrate the more layers of meaning we reveal. Great works of art are appreciable on many levels, and each generation, examining them in the light of it's own culture and beliefs finds something to admire. Superficially the trilogy is a violent story of a primitive family feud. But it is much more than a tale of vengeance. Aspect after aspect reveals itself as we search deeper.

Aeschylus (a) **Agamemnon**, The Oresteian Trilogy
tr. Philip Vellacott, Penguin Classics, 1979
(b) **The Choephori**, The Oresteian Trilogy,
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(c) **The Eumenides**, The Oresteian Trilogy
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